

Mills, Clarissa

From: Guerry, William M. <WGuerry@KelleyDrye.com>
Sent: Wednesday, September 12, 2018 9:18 AM
To: Mills, Clarissa
Cc: Bill Tyndall; Mike Major
Subject: FW: [External]Fwd: BOE Revised monitoring plan
Attachments: 170126A-011 Datalog (NW Fence) 8-23 to 8-24.xlsx; 170126A-011 datalog (NW Fence) 8-24 to 8-27.xlsx

Clarissa—here is the data you requested yesterday from the NW monitor

WILLIAM GUERRY

Partner

Kelley Drye & Warren LLP

Tel: (202) 342-8858

Cell: (301) 318-8719

wguerry@kelleydrye.com

From: Ted Sommer [mailto:TSommer@BOETeams.com]
Sent: Wednesday, September 12, 2018 10:11 AM
To: Guerry, William M. <WGuerry@KelleyDrye.com>; Mike Major <mmajor@powerfulcompliance.com>; Bill Tyndall <btyndall@netleasecapital.com>; Desiree McCaslen <DMcCaslen@bigoxenergy.com>
Cc: Ranajit Sahu <sahuron@earthlink.net>
Subject: RE: [External]Fwd: BOE Revised monitoring plan

Bill,

Attached is the data for 8-23 to 8-17 for the NW fenceline that should fill in the missing data.

Ted Sommer Director of Safety & Risk Management

Email: TSommer@BOETeams.com

Tel: 920-425-7188 | boeteams.com

Fax: 1-920-863-5546 | Office: 1-920-425-7200



WE'RE HIRING! Visit [Careers.BOETeams.com](https://careers.boeteams.com)

From: Guerry, William M. <WGuerry@KelleyDrye.com>
Sent: Tuesday, September 11, 2018 3:34 PM
To: Michael Major <mmajor@powerfulcompliance.com>; Bill Tyndall <btyndall@netleasecapital.com>; Ted Sommer <TSommer@BOETeams.com>; Desiree McCaslen <DMcCaslen@bigoxenergy.com>
Subject: [External]Fwd: BOE Revised monitoring plan

Ted. Can we talk today about our data gaps below? Thanks

Sent from my iPhone

Begin forwarded message:

From: "Mills, Clarissa" <mills.clarissa@epa.gov>
Date: September 11, 2018 at 4:31:26 PM EDT
To: "Guerry, William M." <WGuerry@KelleyDrye.com>
Cc: Ranajit Sahu <sahuron@earthlink.net>, "HertzWu, Sara" <HertzWu.Sara@epa.gov>, "Terriquez, Joe" <terriquez.joe@epa.gov>, "Hensley, Dave" <Hensley.Dave@epa.gov>
Subject: RE: BOE Revised monitoring plan

Bill and Ron -

Attached, please find our comments on the recently submitted Monitoring Plan, which we feel still needs substantial work in order to comply with the Monitoring Order. Our overarching concern is a lack of information, particularly regarding where the monitors are located, what they are calibrated to detect, and what they have cautionary alarms set to. **Additionally, can you explain why we still have not received the Aug 24-28 data for the NW monitor?** It is very difficult for us to justify any requested deviation from the Monitoring Order when we are not receiving data for what has been installed.

Finally, in our call on September 6 BOE indicated that the digester issues had been addressed. However, reports submitted to NDEQ indicate that additional overflow events occurred on August 27th and August 29th - 30th. Please be prepared to discuss during our technical follow-up call.

Best,
CHM

Clarissa Howley Mills
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
(913) 551-7743

CONFIDENTIALITY NOTE:

This email message is intended only for the personal use of the recipient(s) named above. This message is or may be an attorney client communication and as such privileged and confidential. If you are not the intended recipient(s) you may not review, copy or distribute this message. If you have received this message in error please notify the sender via return email and delete all copies of this message.

-----Original Message-----

From: Guerry, William M. [<mailto:WGuerry@KelleyDrye.com>]
Sent: Friday, September 07, 2018 4:58 PM
To: HertzWu, Sara <HertzWu.Sara@epa.gov>; Mills, Clarissa <mills.clarissa@epa.gov>
Cc: Sahu, Dr. Ranajit R. <RSahu@KelleyDrye.com>; Bill Tyndall <btyndall@netleasecapital.com>; Mike Major <mmajor@powerfulcompliance.com>; TSommer@BOETeams.com; Terriquez, Joe <terriquez.joe@epa.gov>
Subject: BOE Revised monitoring plan

Sara and Clarissa,

Per our recent calls and your input, Dr Sahu has revised and expanded his proposed monitoring plan. As you can see—Ron is still working with BOE to finalize components of his plan—but we wanted to send you this current draft. We look forward to discussing this with you next week Best, Bill

This message is subject to Kelley Drye & Warren LLP's email communication policy.
KDW-Disclaimer: <https://protect-us.mimecast.com/s/328mCYEQRJh6KrJysGQXtx>